

REMARKS

I. Summary of Office Action

Claims 1, 3, 6, 17, and 22-27 were pending in the above-identified patent application.

Claims 1, 3, 6, 17, and 22-27 were rejected under 35 U.S.C. § 103(a) as being obvious from Knudson et al. U.S. Patent No. 6,141,488 ("Knudson") in view of Kobb U.S. Patent No. 7,356,246 ("Kobb") and further in view of Barton et al. U.S. Patent No. 6,490,722 ("Barton").

Applicants respectfully traverse this rejection.

II. Applicants' Reply

The Examiner acknowledges that Knudson fails to disclose, inter alia, automatically assigning priorities to timeslots based on whether one or more of the timeslots has a user extended or automatically extended lead or trail portion. The Examiner relies on Kobb and Barton to make up for the deficiencies of Knudson. Applicants respectfully disagree.

Applicants submit that Barton and Kobb, taken either alone or in combination, do not disclose assigning priorities to timeslots based on a determination that one or more of the timeslots includes a user extended lead or trail portion.

Barton discloses that programs are assigned priorities "based on an analysis of previously watched programming combined with statistical models." (Barton, column 16, lines 8-11) Barton merely discloses that priorities may be obtained one of three ways: (1) a viewer request that a program be captured results in the highest possible priority for that program; (2) the viewer may explicitly express

preferences for a program; and (3) preferences may be inferred from a viewing pattern. (Barton, column 17, lines 28-38)

Therefore, Barton does not show or suggest, assigning priorities to timeslots based on a determination that one or more of the timeslots includes a user extended or automatically extended lead or trail portion. Specifically, Barton does not show or suggest assigning a priority to a first timeslot that is higher than a priority assigned to a second timeslot when the first timeslot is determined to include a user extended trail portion (claims 1, 6, 24, 25) or assigning a higher priority to the second timeslot when the first timeslot is determined to include an automatically extended lead or trail portion and the second timeslot does not include an automatically extended lead or trail portion (claims 3, 17).

Kobb discloses that if there is a recording conflict, "the processor preferably determines and selects the highest priority program." (Kobb, column 5, lines 25-26) Kobb merely discloses that the processor makes this determination "in response to priority information entered by the user or by a heuristic applied by the processor." (Kobb, column 5, lines 27-29) However, Kobb provides no teaching or suggestion of assigning priorities based on a determination of whether one or more of the timeslots has a user extended or automatically extended lead or trail portion.

Therefore, applicants respectfully submit that Knudson, Kobb and Barton, whether taken alone or in combination, do not show or suggest automatically assigning a priority to a first timeslot that is higher than a priority assigned to a second timeslot when the first timeslot is determined to include a user extended trail portion, as defined

by applicants' independent claims 1, 6, 24, 25, or automatically assigning a higher priority to the second timeslot when the first timeslot is determined to include an automatically extended lead or trail portion and the second timeslot does not have an automatically extended lead or trail portion, as required by applicants' independent claims 3 and 17.

Accordingly, claims 1, 3, 6, 17, and 24 and 25 are allowable over the prior art of record. Claims 22, 23, 26 and 27 depend directly from allowable claim 1 or 17, and therefore are also allowable.

III. Conclusion

The foregoing demonstrates that claims 1, 3, 6, 17, and 22-28 are allowable. This application is therefore in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

/Nirav S. Amin/

Nirav S. Amin
Registration No. 60,884
Agent for Applicants
Customer No. 75563
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036
(212) 596-9000